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5 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SARLA SINGH,

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Plaintiff,

No. C 05-04668 JSW

10

v.

**SECOND ORDER TO SHOW
CAUSE WHY CASE SHOULD
NOT BE DISMISSED**

11

JOANN B. BARNHART,

12

Defendant.

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14 Now pending before the Court is the motion filed by the Commissioner of the Social
15 Security Administration to dismiss Plaintiff's complaint on the grounds that Plaintiff failed to
16 exhaust her administrative remedies. Plaintiff did not file an opposition to the Commissioner's
17 motion. On August 16, 2006, the Court issued an Order to Show Cause why Plaintiff's case
18 should not be dismissed (1) on the grounds that she has failed to properly prosecute this matter;
19 and (2) on the grounds raised by the Defendants' motion to dismiss. The Court ordered Plaintiff
20 shall file a written response to this Order and serve it on Defendant by no later than September
21 15, 2006 and advised the Plaintiff that failure to respond and to properly prosecute her case may
22 result in sanctions, including dismissal of her case.

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24 On September 15, 2006, Plaintiff filed a document captioned "Plaintiff's Response to
25 Order to Show Cause." In this document, Plaintiff asserts that she is entitled to Social Security
26 benefits, but does not address the Commissioner's argument that this action should be dismissed
27 based on Plaintiff's failure to exhaust her administrative remedies. The Court will provide
28 Plaintiff with one last opportunity to file a written response to the Commissioner's motion to dismiss
and serve it on Defendant by no later than December 1, 2006. Plaintiff is advised that if she fails to

1 file an opposition to the Commissioner's motion, the Court will grant the motion based on the
2 Commissioner's papers and dismiss this action.

3 If Plaintiff files an opposition to the pending motion to dismiss by December 1, 2006,
4 the Commissioner shall file its reply, if any, by no later than December 15, 2006.

5 **IT IS SO ORDERED.**

6 Dated: November 1, 2006

Jeffrey S. White
7 JEFFREY S. WHITE
8 UNITED STATES DISTRICT JUDGE